M.A. Lavrenova
Voronezh institute of the Federal Penitentiary Service
Voronezh, Russia

ABOUT THE SUPERVISED ELECTRONIC MONITORING SYSTEMS IN FOREIGN CONTRIES AND THEIR APPLICATION AND ADAPTAPTAITION IN THE PENITENTIARY SYSTEM OF THE RUSSIAN FEDERATION: PROBLEMS AND PROSPECTS

Abstract: The article presents a comparative review of the Russian and foreign experience in the use of the supervised electronic monitoring systems. The principles of legal use of electronic monitoring devices towards the convicts and the persons in custody are given. The article also contains information about the main developers and suppliers of the supervised electronic monitoring systems. The main problems of legal and technical nature in the functioning of electronic monitoring systems are identified and the prospects for the development of home devices of the kind which contribute to the humanization of criminal legislation and prevent complete isolation of the supervised from society are formulated. The author notes that the full and comprehensive use of the mentioned devices is possible with elimination of existing problems and further modernization of devices, taking into account the existing requirements.

Keywords: electronic monitoring, electronic bracelet, use of the supervised electronic monitoring systems, problems of the supervised electronic monitoring systems, control over the convicts, foreign experience.

М.А. Лавренова
Воронежский институт ФСИН России
Воронеж, Россия

О СИСТЕМАХ ЭЛЕКТРОННОГО МОНИТОРИНГА ПОДКОНТРОЛЬНЫХ ЛИЦ В ЗАРУБЕЖНЫХ СТРАНАХ И ИХ ПРИМЕНЕНИЕ, И АДАПТАЦИЯ В УГОЛОВНО-ИСПОЛНИТЕЛЬНОЙ СИСТЕМЕ РОССИЙСКОЙ ФЕДЕРАЦИИ: ПРОБЛЕМЫ И ПЕРСПЕКТИВЫ

Аннотация: В статье представлен сравнительный обзор российского и зарубежного опыта применения систем электронного мониторинга подконтрольных лиц. Приведены основы правового регулирования применения средств электронного мониторинга к осужденным и лицам, находящимся под стражей. Также в статье содержится информация об основных разработчиках и поставщиках средств электронного мониторинга подконтрольных лиц. Выявлены основные проблемы правового и технического характера в функционировании систем электронного мониторинга и сформулированы перспективы развития отечественных устройств, способствующих гуманизации уголовного законодательства и предотвращающих полную изоляцию подконтрольных лиц от общества. Автором отмечается, что полное и всестороннее использование СЭМПЛ возможно при устранении существующих проблем и дальнейшей модернизации устройств с учётом существующих требований.

Ключевые слова: электронный мониторинг, электронный браслет, применение СЭМПЛ, проблемы СЭМПЛ, контроль за осуждёнными, зарубежный опыт.

The most important challenge outlined in the Russian Federation Penitentiary System Development Concept until 2020 is the humanization of conditions and improvement of criminal justice policy using alternative measures not related to deprivation of liberty. For the crime recidivism

prevention, maintenance of the convicts remote control and control of implementation of the restrictions imposed the supervised electronic monitoring system (SEMS) are used.

With reference to Article 60 of the new version of the Criminal Code of the Russian Federation, the penitentiary system agencies have the right to use in their activities audiovisual, electronic and other controlling technical means, which leads to qualitative changes in the organization of work.

In the agencies of the Federal Penitentiary Service of Russia, these funds were introduced into practice in 2009–2012. The first experimental use of electronic bracelets was carried out with the financial support of the European Union in 2009 in the Voronezh region in the colony-settlement number 10. Currently, SEMS operates in all territorial agencies and facilities of the Federal Penitentiary Service of Russia. Citizens convicted of petty and moderate crimes as the main type of punishment for a period of 2 months to 4 years, as well as persons for whom the court has chosen a measure of restraint in the form of house arrest can be sentenced to wearing an electronic bracelet. Under the data at the beginning of 2018, 14,835 people were under electronic monitoring.

As for the world practice, the global experience of electronic monitoring dates back to the end of the twentieth century. Abroad these devices are usually called electronic ankle tracking devices or electronic ankle bracelets (electronic bracelets). The United Kingdom was the first of the European countries to apply electronic bracelets. This type of punishment has been used in Sweden (since 1994), the Netherlands (since 1995), France (since 1997), Belgium (since 1998), etc. The monitoring functions, which initially consisted in securing house arrest, began to expand to control movement of the convicted using GPS signals [2].

Western practice determines the use of electronic monitoring mainly in relation to convicts who have committed crimes of moderate severity, as well as in relation to juvenile offenders. For example, in Austria, since 2008, electronic bracelets have been applied to parolees sentenced for up to 3 years. In Sweden, citizens who are sentenced to terms of up to 3 months (petty thieves and drivers who caused accidents) can choose home control instead of prison. In Israel, a decision on an electronic preventive measure can be taken by the court even for suspects under investigation [3].

The main suppliers of this special equipment in Europe are the Serco group of companies (United Kingdom), the G4S group of companies

(United Kingdom) and ElmoTechltd (Israel), whose facilities and devices are the most demanded in the world.

In accordance with the requirements of Russian legislation and the peculiarities of the functioning of the penitentiary system, as well as based on foreign experience, a number of domestic companies have also begun to develop an electronic monitoring system for the supervised. Today, the main developers of SEMS in Russia are LLC IT Corporation, CJSC Intellectual Systems and Technologies, LLC Global Search Systems.

At this stage, it is impossible to carry out a detailed comparative analysis of Russian and foreign devices, but such advantages of home manufacturers as the ability to work with the GLONASS system, the lighter devices and constructive adaptation of bracelets to sudden temperature changes should be noted. Another difference from the Western European countries and the USA is the free operation of the bracelet and SEMS devices for the Russian convict. At the same time, the electronic complex costs the state about 111 thousand rubles.

However, there are a number of technical problems encountered in practice:

- false alarm of the electronic belt strap damage;
- opening of the electronic bracelet chain due to a malfunction of the lock;
- the inconvenience caused by the daily need to charge the mobile control device;
- GPS module incorrect operation;
- exposure of the mobile control device housing to opening;
- activation of the control device motion sensor even at minor vibrations;
- a small range of the control device installed permanently;
- lack of detailed maps of the area.

At the same time, there are problems of legal nature: the legislation of the Russian Federation does not provide for the application of criminal law measures in relation to a convicted person who does not charge the control device timely, removes the mobile control device from the established range, removes the electronic device and performs other actions that impede control.

Taking into account the above problems, SEMS modification and improvement is still in progress. The aspects covered in the paper are quite challenging for law enforcement officers. At present IT professionals try to

solve the problems mentioned and design the equipment without any technical and functional drawbacks.

In the future, it is possible to develop models of devices that will not have foreign analogues. For example, engineers plan to equip a stationary monitoring device with a video camera, and a mobile monitoring device with a breathalyzer, so that the supervised breathes into it in front of the camera every evening.

REFERENCES

1. Aleksandrov Yu. Electronic monitoring abroad // Crime and Punishment. – 2010. – No. 3. – P. 29.

2. Golubtsova K.I., Organizational support for the use in the activities of the penitentiary inspection of the electronic monitoring system / K.I. Golubtsova // Prison security: national traditions and international experience: conference proceedings and articles. – Samara, 2017. – P. 61–62.

3. Renzema M., Mayo-Wilson E. Can Electronic Monitoring Reduce Crime for Moderate to High-risk Offenders? // Journal of Experimental Criminology. – 2005. – P. 63-65.